

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MOREHEI K. PIERCE, #58077

*

Petitioner,

*

v.

* CIVIL ACTION NO. 2:05-CV-376-F
(WO)

ELEANOR BROOKS, *et al.*,

*

Respondents.

*

ORDER

On August 1, 2005 Respondents filed an answer and motion to dismiss. (Doc.No. 11.) They allege therein that Petitioner's habeas petition alleging a violation of the Interstate Agreement on Detainers Act ("IADA") is due to be dismissed as Petitioner has failed to allege facts establishing a violation of the act. (*Id.*) Specifically, Respondents maintain that although a failure to appear warrant was issued for Petitioner's arrest on October 20, 1993, no detainer has been lodged against him with respect to the warrant. (*Id.*) Because the IADA only applies to requests for disposition of an "untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner," *see* 18 U.S.C.App. III, Art. III(a), and in light of the fact that the arrest warrant issued against Petitioner in October 1993 has not resulted in the issuance of any detainer against him, it is

ORDERED that within twenty-one (21) days of the filing date of this order Petitioner shall

SHOW CAUSE why Respondents' Motion to Dismiss should not be granted on the ground that the IADA is not applicable to the instant case. Petitioner is cautioned that failure to file a response in compliance with the instant order will result in a Recommendation that this petition be dismissed.

DONE, this 5th day of August, 2005.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE